

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

_____)	
UNITED STATES OF AMERICA)	
ex rel. SIDESOLVE LLC,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 23-cv-207-JL
)	
JAY CASHMAN, INC., STERLING)	
EQUIPMENT, INC., and CASHMAN)	<u>FILED UNDER SEAL – LEVEL 2</u>
DREDGING & MARINE CONTRACTING)	
LLC.,)	
)	
Defendants.)	
_____)	

UNITED STATES OF AMERICA’S NOTICE OF
ELECTION TO DECLINE INTERVENTION

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States notifies the Court of its decision not to intervene in this action.

Although the United States declines to intervene, the Court is referred to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the action in the name of the United States; providing, however, that the “action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.” 31 U.S.C. § 3730(b)(1). Therefore, the United States requests that, should either the relator or the defendant propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon the United States. The United States also requests that orders issued by the Court be sent to undersigned counsel for the Government. The United

States reserves its right to order any deposition transcripts, to intervene in this action, for good cause, at a later date, and to seek the dismissal of the relator's action or claim. The United States also requests that it be served with all notices of appeal.

Finally, the Government requests that the relator's Complaint, this Notice, and the attached proposed Order be unsealed. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this notice.

Respectfully submitted,

JOHN J. MCCORMACK
Acting United States Attorney

By: /s/ Raphael Katz
Raphael Katz
Assistant U.S. Attorney
NY Bar No. 4371688
53 Pleasant Street
Concord, NH 03301
(603) 225-1552
raphael.katz@usdoj.gov

Dated: January 31, 2025

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of January 2025, I have served a copy of this Notice and proposed Order on relator's counsel via email and regular mail to:

Nicholas G. Kline, Esquire
Shaheen & Gordon, PA
353 Central Avenue, 2nd Floor
Dover, NH 03821-0977

Dated: January 31, 2025

/s/ Raphael Katz
Raphael Katz, AUSA